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20 **UNITED STATES DISTRICT COURT**  
21 **NORTHERN DISTRICT OF CALIFORNIA**  
22 **(SAN FRANCISCO DIVISION)**

23 WALTER SPURLOCK and ANDRE  
24 GUIBERT,

*Plaintiffs,*

v.

1 CITY AND COUNTY OF SAN  
2 FRANCISCO, AIRPORT COMMISSION OF  
3 THE CITY AND COUNTY OF SAN  
4 FRANCISCO, KEABOKA MOLWANE in  
5 his individual capacity and official capacity as  
6 Aviation Security and Regulatory Compliance  
7 Officer at the San Francisco International  
8 Airport, and JEFF LITTLEFIELD in his  
9 individual capacity and official capacity as  
10 Chief Operating Officer at San Francisco  
11 International Airport,

*Defendants.*

Case No. 3:23-cv-4429  
*Jury Trial Demanded*

**COMPLAINT FOR:**

- 1) VIOLATION OF THE  
FOURTEENTH AMENDMENT OF  
THE U.S. CONSTITUTION;
- 2) VIOLATION OF THE EIGHTH  
AMENDMENT OF THE U.S.  
CONSTITUTION;
- 3) VIOLATION OF THE CIVIL  
RIGHTS ACT OF 1871, 42 U.S.C.;  
and
- 4) DECLARATORY, INJUNCTIVE,  
AND COMPENSATORY RELIEF.

1 Come now Plaintiffs Walter Spurlock (“Spurlock”) and Andre Guibert (“Guibert”) and, by  
2 and through their attorneys, bring this action against Defendants City and County of San Francisco,  
3 Airport Commission of the City and County of San Francisco (“Airport Commission”), Keaboka  
4 Molwane (“Molwane”) in his individual capacity and official capacity as an Aviation Security and  
5 Regulatory Compliance Officer at the San Francisco International Airport (“SFO”), Jeff Littlefield  
6 (“Littlefield”) in his individual capacity and official capacity as Chief Operating Officer at SFO  
7 and allege as follows:

### 8 **NATURE OF THE CASE**

9 1. Aviation Maintenance Technicians (“AMTs”) are responsible for the maintenance  
10 and safety of aircraft that operate in federal airspace. Like any doctor or lawyer, AMTs are  
11 engaged in a licensed profession to which they expect to devote their entire lives. Plaintiffs were  
12 previously AMTs employed by Alaska Airlines, Inc. (“Alaska Airlines”). For decades, Plaintiffs  
13 were stationed and dutifully performed essential maintenance work on aircraft at SFO. As a result  
14 of Defendants’ reckless disregard for Plaintiffs’ constitutional rights, Plaintiffs lost not only their  
15 jobs at Alaska Airlines, but also their AMT careers.

16 2. In order to perform their job functions, Alaska Airlines AMTs stationed at SFO  
17 must maintain a Secured Identification Display Area (“SIDA”) badge. SIDA badges permit  
18 authorized employees, contractors, and vendors to access safety-sensitive areas of the airport. The  
19 Airport Commission oversees SFO operations. It sets policies regarding the issuance and  
20 revocation of SIDA badges that are, in turn, applied by SFO management.

21 3. Applying Airport Commission policies, SFO management revoked Plaintiffs’ SIDA  
22 badges. Absent from the revocation proceedings was any semblance of the due process rights  
23 guaranteed by the Fourteenth Amendment of the U.S. Constitution. Plaintiffs were told they could  
24

1 write a one-paragraph statement, throwing themselves on the mercy of SFO management. In reply,  
2 Plaintiffs received curt decisions that summarily revoked their SIDA badges.

3 4. Upon the revocation of the Plaintiffs' SIDA badges, SFO management submitted  
4 Plaintiffs' names to the Transportation Security Administration ("TSA") Centralized Revocation  
5 Database ("CRD"). SFO management provided Plaintiffs with no notice of their CRD placement  
6 and provided no opportunity to challenge the placement.

7 5. CRD placement is a death sentence for airline industry employees. It is the  
8 standard practice of airport operators to refuse issuance of SIDA badges to persons on the CRD.  
9 A vast majority of aviation maintenance work occurs in areas that require AMTs to hold SIDA  
10 badges. Because other airport operators refused to issue SIDA badges to the Plaintiffs, they could  
11 no longer perform the aviation maintenance work that they are licensed to perform.

12 6. The revocation procedures developed and implemented by the Defendants failed  
13 to provide Plaintiffs with minimum due process protections. Plaintiffs' due process rights were  
14 again violated by the Defendants' failure to provide notice to the Plaintiffs' of their CRD  
15 placement, and the Defendants' refusal to provide a procedure whereby the Plaintiffs could  
16 challenge their placement. The revocation of Plaintiffs' SIDA badges and their placement on the  
17 CRD constituted punishment that violated the prohibitions of the Eighth Amendment of the U.S.  
18 Constitution, as applied against the Several States. Plaintiffs bring this action pursuant to 42  
19 U.S.C. § 1983.

### 20 **JURISDICTION & VENUE**

21 7. This Court has personal jurisdiction over Defendants. The Airport Commission is  
22 a department, agency, and instrumentality of the City and County of San Francisco, located in this  
23 judicial district. Mr. Molwane and Mr. Littlefield are employed at SFO, located in this judicial  
24 district and are tasked with applying Airport Commission policies at SFO. The Court has personal

1 jurisdiction over Defendants because Plaintiffs' claims arise out of actions taken by the Defendants  
2 in this judicial district.

3 8. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c). The events and  
4 conduct giving rise to the violations of law occurred in this District, and Plaintiffs and Defendants  
5 are located and conduct business in this district.

6 **DIVISIONAL ASSIGNMENT**

7 9. Pursuant to Civil Local Rules 3-2(c) and 3-2(d), the action is properly assigned to  
8 the San Francisco Division of this Court because a substantial part of the events giving rise to the  
9 claims asserted herein occurred in San Francisco counties.

10 **PARTIES**

11 10. Plaintiff Spurlock has worked at SFO since 2000. He obtained his AMT license  
12 and Airframe/Powerplant ratings in 1999 and, since that date, has worked at American Airlines,  
13 Virgin America, and Alaska Airlines as an AMT. Mr. Spurlock is an Airforce veteran and served  
14 in Operation Desert Storm. He is father to a two-year-old son.

15 11. Plaintiff Guibert has worked at SFO since 1995. He obtained his AMT license and  
16 Airframe/Powerplant ratings in 1996 and, since that date, has worked at Continental Airlines,  
17 American Airlines, Virgin America, and Alaska Airlines as an AMT. He is a family man and a  
18 father to three children.

19 12. Defendant City and County of San Francisco is a municipal corporation organized  
20 and existing under the laws of the State of California.

21 13. Defendant Airport Commission was established by the San Francisco City Charter  
22 in 1970 and is a department, agency, and instrumentality of the City and County of San Francisco.  
23 The Airport Commission consists of five members appointed by the Mayor of San Francisco. It  
24 issues the Rules and Regulations for the San Francisco International Airport ("SFO Rules and

1 Regulations”), which govern the general conduct of the public, tenants, employees, and  
2 commercial users of SFO. (Ex. A.)

3 14. Mr. Molwane is an Aviation Security and Regulatory Compliance Officer at SFO.  
4 He served as the hearing officer in proceedings against Spurlock and Guibert and approved the  
5 revocation of their SIDA badges. A hearing officer is responsible for applying SFO Rules and  
6 Regulations in the course of SIDA badge revocation proceedings.

7 15. Defendant Littlefield has served as the Chief Operating Officer at SFO since 2016.  
8 The Chief Operating Officer is responsible for the day-to-day executive level operation of SFO.  
9 Pursuant to the SFO Rules and Regulations, the SFO Chief Operating Officer serves as the hearing  
10 officer in appeals related to SIDA badge revocations. The Chief Operating Officer is responsible  
11 for applying the SFO Rules and Regulations in the course of SIDA badge revocation appeals.  
12 Littlefield was the appeals officer in the proceedings related to Spurlock and Guibert and approved  
13 the revocation of their SIDA badges. Mr. Littlefield approved the placement of Plaintiffs on the  
14 CRD without first providing Plaintiffs with notice of the placement. Following requests by  
15 Plaintiffs’ union, Mr. Littlefield refused to provide a process by which Plaintiffs could challenge  
16 their CRD placement.

### 17 **FACTS COMMON TO ALL CLAIMS**

#### 18 **AMT License and Training Requirements**

19 16. Federal regulations limit who may perform preventative maintenance on aircraft  
20 and who may approve the return of aircraft to service following maintenance, rebuilding, or  
21 alternation. 14 C.F.R. §§ 43.3(a), 43.7(a). AMTs holding mechanic certificates and  
22 Airframe/Powerplant ratings are among those limited category of persons entitled to perform  
23 maintenance and maintenance approval work. 14 C.F.R. §§ 43.3(b), 43.7(b), 65.71, and 65.73.

1           17. Each applicant for a mechanics certificate or rating must complete eighteen (18)  
2 months to thirty (30) months of practical experience based on the number of ratings sought or  
3 complete equivalent experiential training at an aviation maintenance technician school. 14 C.F.R.  
4 §§ 65.77. Each applicant must additionally pass written, oral, and practical tests as appropriate to  
5 the rating sought. 14 C.F.R. §§ 65.75 and 65.79.

6           18. At all relevant times, Plaintiffs held mechanics certificates and  
7 Airframe/Powerplant ratings. They were entitled to perform and approve maintenance work on  
8 aircraft, airframes, aircraft engines, propellers, appliances, and component parts. Plaintiffs  
9 expected to continue in their profession free from arbitrary interference therewith. That  
10 expectation shaped all aspects of their lives including where they worked, where they lived, and  
11 their ability to support their families.

#### 12 **SIDA Badge Requirements**

13           19. Every airport operator regularly serving operations of an aircraft operator or foreign  
14 air carrier must establish at least one SIDA. 49 C.F.R. § 1542.205(a). Each airport operator that  
15 is required to establish a SIDA must establish and carry out measures to prevent the unauthorized  
16 presence and movement of individuals in the SIDA that include personnel identification systems  
17 incorporating the display of personnel identification media. *Id.* (b); 49 C.F.R § 1542.211(a).

18           20. The SFO Rules and Regulations provide for the creation of SIDAs, access to which  
19 is limited to persons holding an Airport-issued identification badge (i.e., SIDA Badge).

#### 20 **Events of September 9, 2021**

21           21. On the morning of September 9, 2021, Guibert and Spurlock both reported to an  
22 SFO external security checkpoint. Both Plaintiffs were scheduled to work on that day and were  
23 authorized to access their work area through the checkpoint.

1           22.     To access the Alaska Airlines work area, AMTs must swipe their SIDA badge at a  
2 reader, use a biometric scanner (fingerprint), and proceed through a turnstile.

3           23.     After Guibert's successful badge read, biometric scan, and entry through the  
4 turnstile, Spurlock attempted to use the same security checkpoint. Spurlock had a successful badge  
5 read and biometric scan. He attempted to proceed through the turnstile, but the turnstile  
6 malfunctioned halfway through its rotation, the result of a mechanical failure. Spurlock was forced  
7 to back out of the turnstile and return to the non-SIDA side of the checkpoint. The badge reader  
8 would no longer initiate a read because the system had erroneously registered Spurlock's entrance.

9           24.     Spurlock passed his SIDA badge, from the non-SIDA side, to Guibert, on the SIDA  
10 side, and Guibert placed Spurlock's badge on the outgoing badge reader, to reset the badge reader  
11 system. Nobody entered the access point turnstile, from either side, during the process of resetting  
12 the reader. The badge was immediately returned to Spurlock, and he initiated a successful badge  
13 read and biometric scan. Spurlock then proceeded through the turnstile without issue.

14           25.     At a subsequent internal checkpoint, both Spurlock and Guibert had successful  
15 SIDA badge reads and biometric scans. SFO security officers examined their SIDA badges and  
16 Spurlock and Guibert were allowed to proceed to their work area.

17           26.     Spurlock and Guibert began to complete assigned maintenance work. They were  
18 then told by their foreman that they should report to the SFO security office. To reach the SFO  
19 security office, both Spurlock and Guibert completed successful badge scans at two interior  
20 checkpoints.

21           27.     On arriving at the SFO security office, SFO security officers issued citations to  
22 Spurlock and Guibert and suspended their SIDA badges.

23 ***Revocation of Plaintiffs' SIDA Badges and Placement on the Central Revocation Database***  
24

1           28. Pursuant to the SFO Rules and Regulations, Plaintiffs sought a review of their  
2 SIDA badge suspension.

3           29. Plaintiffs were not provided with all evidence against them prior to the review.  
4 They did not receive the following evidence 1) a copy of video evidence showing their actions at  
5 the external security checkpoint, 2) pictures of the SFO notices purportedly posted at the  
6 checkpoint, and 3) SFO notices purportedly distributed to vendors regarding SIDA badge use.

7           30. Plaintiffs were not provided exculpatory evidence establishing that 1) SFO was  
8 aware that the security checkpoint turnstile in question frequently malfunctioned, 2) SFO had taken  
9 no action to fix the malfunctioning checkpoint turnstile, 3) Plaintiffs were authorized to enter at  
10 the external checkpoint, 4) Plaintiffs had not jeopardized the safety of SFO operations, and 5) SFO  
11 had not revoked the SIDA badges of other badge holders who had taken similar actions.

12           31. Plaintiffs were allowed to submit a one paragraph statement pleading for the return  
13 of their SIDA badges. They were not allowed to present supporting evidence that 1) SFO was  
14 aware that the security checkpoint turnstile frequently malfunctioned, 2) SFO had taken no action  
15 to fix the malfunctioning checkpoint turnstile, 3) Plaintiffs were authorized to enter at the  
16 designated checkpoint, 4) Plaintiffs had not jeopardized the safety of SFO operations, and 5) SFO  
17 had not revoked the SIDA badges of other badge holders who had taken similar actions.

18           32. Plaintiff were not afforded a hearing. They were not allowed to testify, cross  
19 examine SFO witnesses, or call their own witnesses.

20           33. On the September 14, 2021, Defendant Molwane permanently revoked Plaintiffs'  
21 SIDA badges. The decision did not acknowledge that both Spurlock and Guibert were authorized  
22 to enter at the checkpoint and had not allowed any unauthorized person to enter at the checkpoint.  
23 It did not explain why permanent revocation was the appropriate punishment or consider lesser  
24 punishments. The decision relied on pictures of SFO notices purportedly posted at the checkpoint

1 turnstile and SFO notices purportedly distributed to vendors regarding SIDA badge use. That  
2 evidence had been withheld from Plaintiffs prior to the hearing. (Ex. B).

3 34. Pursuant to the SFO Rules and Regulations, Spurlock and Guibert sought an appeal  
4 of their revocation decisions.

5 35. Plaintiffs were not provided with all evidence against them prior to the appeal.  
6 They did not receive a copy of video evidence showing their actions at the security gate.

7 36. Again, Plaintiffs were not provided exculpatory evidence establishing that 1) SFO  
8 was aware that the security checkpoint turnstile frequently malfunctioned, 2) SFO had taken no  
9 action to fix the malfunctioning checkpoint turnstile, 3) Plaintiffs were authorized to enter at the  
10 designated checkpoint, 4) Plaintiffs had not jeopardized the safety of SFO operations, and 5) SFO  
11 had not revoked the SIDA badges of other badge holders who had taken similar actions.

12 37. Again, Plaintiffs were allowed to submit a one paragraph statement pleading for the  
13 return of their SIDA badges. They were not allowed to present supporting evidence that 1) SFO  
14 was aware that the security checkpoint turnstile frequently malfunctioned, 2) SFO had taken no  
15 action to fix the malfunctioning checkpoint turnstile, 3) Plaintiffs were authorized to enter at the  
16 designated checkpoint, 4) Plaintiffs had not jeopardized the safety of SFO operations, and 5) SFO  
17 had not revoked the SIDA badges of other badge holders who had taken similar actions.

18 38. Again, Plaintiffs were not afforded a hearing or the opportunity for oral argument.  
19 They were not allowed to testify, cross examine SFO witnesses, or call their own witnesses.

20 39. On October 23, 2021, Defendant Littlefield denied the Plaintiffs' appeal. The  
21 decision did not acknowledge that both Plaintiffs were authorized to enter at the checkpoint and  
22 had not allowed any unauthorized person to enter at the checkpoint. It did not explain why  
23 permanent revocation was the appropriate punishment or consider lesser punishments. (Ex. C).

1           40.     Upon the permanent revocation of Plaintiffs' SIDA Badges, Mr. Littlefield  
2 authorized the submission of Plaintiffs' names to the CRD without first providing notice to  
3 Plaintiffs of the CRD placement.

4           41.     The Aircraft Mechanics Fraternal Association ("AMFA") served as Plaintiffs'  
5 certified bargaining agent while they were employed at Alaska Airlines. On November 11, 2022,  
6 AMFA Air Line Representative Jeff Heard wrote to the Airport Commission addressing the need  
7 to provide both notice and an opportunity to challenge CRD placement. (Ex. D). On December  
8 15, 2022, Mr. Littlefield replied on behalf of the Airport Commission refusing to provide a process  
9 whereby Guibert and Spurlock could challenge their CRD placement. (Ex. E).

10 ***SFO Regulations Governing SIDA Badge Revocation, Hearing, and Appeal***

11           42.     Plaintiffs did not violate any SFO Rule or Regulation governing the use of SIDA  
12 badges. Plaintiffs used only their own badges at security checkpoints and badge scanners while  
13 reporting to work and entering Restricted Areas. At all times, Plaintiffs were entitled to be within  
14 Restricted Areas of the airports. They did not tamper or interfere with, modify, or attempt to  
15 circumvent any security system. Their actions, at all times, facilitated the proper functioning of  
16 the SFO security system.

17           43.     Rule 14 of the SFO Rules and Regulations establishes the enforcement and appeal  
18 procedures that apply in the event of an alleged violation of the Rules and Regulations. (Ex. A).

19           44.     Rule 14.2 of the SFO Rules and Regulations provides: "Any person or business  
20 entity violating or otherwise engaging in prohibited conduct under these Rules and Regulations  
21 may be subject to general and/or administrative fines as provided under the Rule 14." Security  
22 violations prohibited by Rule 7 are subject to Category E fines. (*Id.*)

23           45.     Rule 14.3 of the SFO Rules and Regulations provides for escalating fines based on  
24 the number of violations that occur within the same calendar year. Category E fines are subject to

the following schedule: First Offense – \$1,000; Second Offense – \$2,000; Third Offense – \$3,000.  
(*Id.*)

46. Rule 14.4 of the SFO Rules and Regulations applies only to individual employees who are granted access to secure areas of the Airport for their work duties. Security violations prohibited by Rule 7 are subject to the following penalty schedule:

7.0	Individual security violations	First Offense/ written Admonishment	Warning to employee
		First Offense/ Citation	<ul style="list-style-type: none"> <li>Airport ID badge immediately confiscated for one full day (a 24-hour period) following Citation</li> <li>Security Access Office training class</li> </ul>
		Second Offense	<ul style="list-style-type: none"> <li>Airport ID badge immediately confiscated for three full consecutive days (a 72-hour period) following Citation</li> <li>Security Access Office training class</li> <li>Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>
		Third Offense	<ul style="list-style-type: none"> <li>Airport ID badge immediately confiscated for ten full consecutive days (a 240-hour period) following Citation</li> <li>Security Access Office training class</li> <li>Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>
		Fourth Offense	Security access permanently terminated
		<b>Note for all individual security or security-related violations:</b>	Airport ID Badge holders directed to attend in-person training administered by the Security Access Office shall do so within the time specified or may be subject to further badge suspension or revocation. The charge for the training is a \$50 administrative fee which the employee or the employee's authorized signatory shall pay before attending the training. (ASB 19-06)

47. Rule 14.4 of the SFO Rules and Regulations provides: “Individual infractions . . . relating to the safety or security of the Airport may result in the immediate suspension or permanent revocation of an Airport ID badge or driving privileges, at the sole discretion of the Airport, notwithstanding the Admonishment or Citation procedures [above].” (*Id.*)

1           48. Any person seeking to challenge a penalty imposed under the SFO Commission  
2 Rules and Regulations must follow the administrative procedures set out in Rule 14.5. (*Id.*)

3           49. Pursuant to Rule 14.5(B) of the SFO Rules and Regulations, a request for review  
4 must be received by the Airport within ten (10) calendar days of the date the Notice of Citation is  
5 issued. A request for review shall include (i) the name, date, mailing address, e-mail address, and  
6 phone number of the requestor and (ii) a detailed basis for the review. The Airport Director shall  
7 designate an Airport Commission employee to review a request. The designated reviewer will  
8 have no personal knowledge of the incident resulting in the Citation. The reviewer may request  
9 additional information from the requestor. Within thirty (30) calendar days of receipt of the  
10 Request for Initial Review, the reviewer shall issue an administrative decision affirming,  
11 dismissing, or amending the citation. (*Id.*)

12           50. Pursuant to Rule 14.5(C) of the SFO Rules and Regulations, an administrative  
13 decision affirming or amending a Citation may be appealed within ten (10) calendar days of the  
14 date the decision is issued. The request for appeal must include information detailing the basis of  
15 the appeal. The Airport Chief Operator shall be the hearing officer for any appeal involving long-  
16 term suspension (more than 72 hours) or permanent revocation of an Airport ID badge. The  
17 hearing officer may request additional information for the appellant. The hearing officer may in  
18 his/her sole discretion invite both the appellant and the Airport Division issuing the citation to a  
19 hearing to state their respective positions and answer questions posed by the hearing officer; the  
20 hearing may be in person or in writing as directed by the hearing officer. The hearing officer shall  
21 issue an administrative decision affirming, dismissing, or amending the citation. The hearing  
22 officer's decisions shall be final on the date issued. The hearing officer shall issue a decision  
23 within sixty (60) days of the date of the receipt of the written appeal. (*Id.*)

24 ***Federal Requirements Regarding CRD Placement***

1           51. Under the Federal Aviation Administration Reauthorization Act of 2018, Congress  
2 directed the TSA Administrator to develop a centralized database containing the names of  
3 individuals who have had airport-issued SIDA badges revoked for failure to comply with aviation  
4 security requirements. Public Law 115-254—Oct. 5, 2018, 131 Stat. 3186, 3574. To comply with  
5 the directive, the TSA created and maintains the CRD.

6           52. Where an airport operator revokes an individual's operator-issued badge, the  
7 operator must submit the name of the individual to the CRD. Names of individuals who have had  
8 operator-issued badges revoked are maintained on the CRD for five years along with their social  
9 security number and contact information. *Id.*; Dep't of Homeland Sec., *Airport Access for Aviation*  
10 *Workers* at 6, Apr. 27, 2020; (Ex. F). The CRD may include only those individuals who have had  
11 badges revoked as result of a violation of a security requirement or a determination that the  
12 individual poses a threat to aviation security. Airport operators must check the name of any  
13 applicant for an operator-issued badge against the list of names maintained on the CRD prior to  
14 issuing a badge to the applicant. Placement on the CRD has profound stigmatizing effects and  
15 prevents individuals from obtaining future employment in the airline industry.

16           53. The TSA is an agency within the Department of Homeland Security ("DHS").  
17 Pursuant to DHS guidance, "Airport and aircraft operators must provide the opportunity for redress  
18 to individuals entered into the centralized database so that the individual can challenge his or her  
19 inclusion in the database." Dep't of Homeland Sec., *Airport Access for Aviation Workers* at 5, Apr.  
20 27, 2020; (Ex. F); *see also* TSA National Amendment: Centralized Revocation Database for  
21 Individual with Revoked Identification Media TSA-NA-21-01A. An individual placed on the  
22 CRD may be removed following a successful challenge. The guidance additionally states, "If a  
23 badge is revoked, the airport operator must notify the individual of the reason why and that the  
24 individual's record is being entered into the database, as well as provide an opportunity to

challenge the revocation.” *Id.* at 7; *see also* TSA National Amendment: Centralized Revocation Database for Individual with Revoked Identification Media TSA-NA-21-01A

### COUNT ONE

**DEFENDANTS’ FAILURE TO PROVIDE PLAINTIFFS WITH MINIMUM DUE  
PROCESS RIGHTS DURING REVOCATION PROCEEDINGS VIOLATES  
PLAINTIFFS’ DUE PROCESS RIGHTS GUARANTEED BY THE FOURTEENTH  
AMENDMENT OF THE U.S. CONSTITUTION AND THE CIVIL RIGHTS ACT OF  
1871, 42 U.S.C § 1983**

54. Plaintiffs re-allege and incorporate all previous and following paragraphs as if fully set forth herein.

55. The Fourteenth Amendment of the U.S. Constitution provides that no State may deprive any person of life, liberty, or property, without due process of law.

56. Under 42 U.S.C. § 1983, any person acting under the color of state law that subjects or causes to be subjected any citizen of the United States or other person within its jurisdiction to the deprivation of any rights, privileges, or immunities by the Constitution and laws, shall be liability to the parties injured.

57. AMTs who hold SFO SIDA Badges have a reasonable expectation that their badges will not be deprived arbitrarily or without due process. Years of training and life decisions are undertaken on the basis of that expectation. The SFO Rules and Regulations recognize the importance of SIDA badges to individual employees. Penalties for the improper use of SIDA badges follow a progressive model with mandatory security access training after the first three offenses. Although entirely inadequate, the SFO Rules and Regulations provide a process that employees must follow if they seek a review of their SIDA badge suspension or revocation. The Federal Government recognizes the impact that SIDA Badge revocation and CRD placement may have on an individual employee. It requires that airport operators notify badge holders prior to revocation and establish a process for the review of CRD placement.

1           58.     The Airport Commission is responsible for the promulgation of the SFO Rules and  
2 Regulations. The SFO Rules and Regulations failed to provide adequate due process protections  
3 for the Plaintiffs:

4           a.     The SFO Rules and Regulations do not require that persons subject to SIDA badge  
5 revocation proceedings be provided with all evidence against them. As a result,  
6 Plaintiffs did not receive 1) a copy of video evidence showing their actions at the  
7 external security checkpoint, 2) pictures of the SFO notices purportedly posted at  
8 the checkpoint, and 3) SFO notices purportedly distributed to vendors regarding  
9 SIDA badge use.

10          b.     The SFO Rules and Regulations do not require that persons subject to SIDA badge  
11 revocation proceedings receive all exculpatory evidence. As a result, Plaintiffs  
12 were not provided exculpatory evidence establishing that 1) SFO was aware that  
13 the security checkpoint turnstile frequently malfunctioned, 2) SFO had taken no  
14 action to fix the malfunctioning checkpoint turnstile, 3) Plaintiffs were authorized  
15 to enter at the external checkpoint, 4) Plaintiffs had not jeopardized the safety of  
16 SFO operations, and 5) SFO had not revoked the SIDA badges of other badge  
17 holders who had taken similar actions.

18          c.     The SFO Rules and Regulations require employees subject to SIDA badge  
19 revocations to submit a detailed basis for the review or appeal. In practice, it is the  
20 policy of the Airport Commission and its agents to allow employees to submit a  
21 single paragraph request for review or appeal. As a result of this policy, Plaintiffs  
22 were not permitted to present a range of probative evidence establishing their lack  
23 of culpability including that 1) SFO was aware that the security checkpoint turnstile  
24 frequently malfunctioned, 2) SFO had taken no action to fix the malfunctioning

1 checkpoint turnstile, 3) Plaintiffs were authorized to enter at the designated  
2 checkpoint, 4) Plaintiffs had not jeopardized the safety of SFO operations, and 5)  
3 SFO had not revoked the SIDA badges of other badge holders who had taken  
4 similar actions.

5 d. The SFO Rules and Regulations do not require that persons subject to SIDA badge  
6 revocation proceedings receive a live hearing during which they may testify, cross-  
7 examine witnesses, or call their own witnesses. As a result, Plaintiffs did not receive  
8 a live hearing and did not have an opportunity to testify, cross-examine witnesses  
9 or call their own witnesses.

10 e. The SFO Rules and Regulations do not require that hearing or appeal officers issue  
11 decisions explaining the reasons for the decisions or the nature of the imposed  
12 punishment. As a result, the initial revocation decision by Mr. Molwane and the  
13 appeal decision by Mr. Littlefield did not consider the explanations offered by the  
14 Plaintiffs and did not consider alternatives to SIDA badge revocation.

15 59. The SFO Rules and Regulations commit aspects of SIDA Badge revocation  
16 proceedings to the discretion of the hearing officer and appeals officer. Those officers may 1)  
17 provide employees with all evidence against them, 2) order the production of exculpatory  
18 evidence, 3) solicit information from the employee beyond the required one paragraph statement,  
19 4) provide a live hearing during which an employee may testify, cross-examine, and call their own  
20 witnesses, and 5) issue decisions explaining the reason for the decisions and any resulting  
21 punishment.

22 60. Mr. Molwane served as the hearing officer during SIDA badge revocation  
23 proceedings against Plaintiffs. He applied the SFO Rules and Regulations in the course of the  
24

1 hearing. Mr. Molwane failed to exercise the discretion provided to him under the SFO Rules and  
2 Regulations to prevent the abrogation of Plaintiffs' due process rights.

3 61. Mr. Littlefield served as the appeals officer during SIDA Badge revocations  
4 proceedings against Plaintiffs. He applied the SFO Rules and Regulations in the course of the  
5 hearing. Mr. Littlefield failed to exercise the discretion provided to him under the SFO Rules and  
6 Regulations to prevent the abrogation of Plaintiffs' Due Process rights.

## 7 **COUNT TWO**

### 8 **DEFENDANTS' FAILURE TO PROVIDE PLAINTIFFS WITH NOTICE AND A** 9 **MEANS OF CHALLENGING THEIR PLACEMENT ON THE CRD VIOLATED** 10 **PLAINTIFFS' DUE PROCESS RIGHTS GUARANTEED BY THE FOURTEENTH** 11 **AMENDMENT OF THE U.S. CONSTITUTION**

12 62. Defendants failed to provide notice to Plaintiffs prior to placing their names on the  
13 CRD. Notice is an essential element of due process as it ensures that an individual has a full  
14 opportunity to protect and exercise his legal rights. Plaintiffs were unaware that their names had  
15 been placed on the CRD until their SIDA Badge applications were denied by another airport in the  
16 San Francisco area. That lack of notice deprived Plaintiffs of an opportunity to challenge their  
17 placement on the CRD prior to submitting SIDA badge applications to other airports and ultimately  
18 resulted in the denial of the applications. Lack of notice violated express DHS guidance to airport  
19 operators and TSA regulations regarding the need to notify individuals prior to their placement on  
20 the CRD and, as such, violated Plaintiffs' due process rights.

21 63. Mr. Littlefield, acting on behalf of the Airport Commission, refused to provide  
22 Plaintiffs with a means of challenging their placement on the CRD, again in violation of DHS  
23 guidance to airport operators and TSA regulations. Pursuant to the Federal Aviation  
24 Reauthorization Act of 2018, the CRD may only include the names of individuals who have had  
badges revoked as a result of a violation of a security requirement or a determination that the  
individual poses a threat to aviation security. Continued placement on the CRD has a stigmatizing

1 effect and has negatively impacted Plaintiffs' reputation in the airline industry. It indicates  
2 (falsely) that Plaintiffs have violated security requirements or posed a threat to aviation security.  
3 Plaintiffs' names, social security numbers, and contact information have been shared with  
4 prospective employers. The placement has prevented plaintiffs from obtaining alternative  
5 employment in the airline industry.

6 64. DHS guidance and TSA regulations require that airport operators establish a  
7 process whereby individuals who have been placed on the CRD may challenge their placement on  
8 the CRD. The process ensures that the CRD only includes persons who have violated a security  
9 requirement or who pose a threat to aviation security. Plaintiffs violated no security requirement  
10 and pose no threat to aviation security. Defendants' refusal to provide Plaintiffs with a means of  
11 challenging their inclusion on the CRD subverts the requirements of Federal law and the purpose  
12 of the CRD. The refusal violates Plaintiff's due process rights.

13 **COUNT THREE**

14 **DEFENDANTS' REVOCATION OF PLAINTIFFS' SIDA BADGES AND SUBSEQUENT**  
15 **PLACEMENT OF THE PLAINTIFFS ON THE CRD VIOLATED THE EIGHTH**  
16 **AMENDMENT OF THE U.S. CONSTITUTION AND THE CIVIL RIGHTS ACT OF**  
17 **1871, 42 U.S.C § 1983**

18 65. Plaintiffs re-allege and incorporate all previous and following paragraphs as if  
19 fully set forth herein.

20 66. Plaintiffs did not violate any SFO Rule or Regulation governing the use of SIDA  
21 badges. Plaintiffs used only their own badges at security checkpoints and badge scanners while  
22 reporting to work and entering Restricted Areas. At all times, Plaintiffs were entitled to be within  
23 Restricted Areas of the airports. They did not tamper or interfere with, modify, or attempt to  
24 circumvent any security system. Their actions, at all times, facilitated the proper functioning of  
the SFO security system.



1 E. A preliminary injunction requiring that Defendants establish a process by which  
2 Plaintiffs may challenge their placement on the CRD;

3 F. Compensatory damages resulting from Defendants permanent revocation of  
4 Plaintiff's SIDA Badges and the placement of the Plaintiffs on the CRD;

5 G. An order granting reasonable attorneys' fees and costs, and

6 H. Such other and further relief as may be just and proper  
7

8 Dated November 30, 2023

Respectfully Submitted,

9  
10 By /s/ Samuel Seham  
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